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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,790	08/20/2003	Thomas Poslinski	SONY-S0T5519.01	8031
7590 04/30/2008 WAGNER, MURABITO & HAO LLP Third Floor Two North Market Street San Jose, CA 95113			EXAMINER HUERTA, ALEXANDER Q	
			ART UNIT 2623	PAPER NUMBER
			MAIL DATE 04/30/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/645,790

Applicant(s)

POSILINSKI, THOMAS

Examiner

ALEXANDER Q. HUERTA

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-23 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 20 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Claim Objections

Claim 3 is objected to because of the following informalities: claim 3 contains the typographical error “comprising+”, examiner suggest replacing with “comprising:”. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-18, 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rodriguez et al. (United States Patent Application Publication 2002/0168178) in view of Blonstein et al. (United States Patent 5,978,043), herein after referenced as Rodriguez and Blonstein respectively.

Regarding **claim 1**, Rodriguez discloses “accessing data specifying a set of channels” ([0136], [0137]),

“caching data for selected channels simultaneously” [0099].

“selecting channels for which to cache data from the set of channels...” ([0136], [0137]).

Rodriguez fails to disclose “selecting channels ... from the set of channels based on the prioritization”.

Blonstein discloses "channels ... from the set of channels based on the prioritization" [Col. 12 lines 48-58, i.e. Blonstein teaches prioritizing favorite channels]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rodriguez by specifically providing prioritization of favorite channels, as taught by Blonstein, for the purpose of allowing the user to further rank their favorite channels.

Rodriguez fails to disclose "accessing data specifying a prioritization of the set of channels".

Blonstein discloses "accessing data specifying a prioritization of the set of channels" [Col. 12 lines 48-58, i.e. Blonstein accesses data specifying a prioritization of a set of channels as evidence by the fact that one of ordinary skill in the art would have recognized that the system processor would have to access a list detailing the position of the channels in the favorites listing). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rodriguez by specifically providing accessing data specifying a prioritization of the set of channels, as taught by Blonstein, for the purpose of allowing the user to further rank their favorite channels.

Regarding **claim 2**, Rodriguez discloses that "the set of channels are favorite channels" ([0136], [0137]).

Regarding **claim 3**, Rodriguez discloses "performing a video operation to allow viewing the data after completion of the caching of the data" [0084].

Regarding **claim 4**, Rodriguez discloses "receiving a switch operation from a first channel for which data is being cached to a second channel for which data is not being cached; and in response to the switch operation, de-allocating the data for the first channel" [0110].

Regarding **claim 5**, Rodriguez discloses that "the first channel is a non-favorite channel" ([0136], [0137], i.e. Rodriguez teaches that a favorite channel list can be employed as a controlling rule for which a favorite channel will be given priority over a non-favorite channel).

Regarding **claim 6**, Rodriguez discloses "receiving a switch operation from a first channel to a second channel, wherein data is being cached for both the first and second channels; and in response to the switch operation, maintaining the data that is being cached for the first channel" [0099].

Regarding **claim 7**, Rodriguez discloses that "the first channel is a favorite channel" ([0136], [0137], i.e. Rodriguez teaches that a favorite channel list can be employed as a controlling rule for which a favorite channel will be given priority over a non-favorite channel).

Regarding **claim 8**, Rodriguez discloses that "the selecting the channels further comprises selecting a second channel with highest priority of the channels that are not being cached; and the caching the data further comprises using the caching capabilities from the first channel to cache the data for the second channel" [0121].

Regarding **claim 9**, Rodriguez discloses "receiving a request to cache data for a first channel for which data is not being cached; selecting a second channel with the

lowest priority to remove caching capabilities from; and reassigning the caching capabilities to satisfy the request to cache data for the first channel" ([0145], i.e. Rodriguez teaches that buffer durations are a controlling rule for which to buffer a channel. When a channel is switched, it is determined if the previous channel buffer durations are greater than a threshold and if not then the resources are de-allocated from a previous and allocated the new channel).

Regarding **claim 10**, Rodriguez discloses "a memory unit [Fig. 3A El. 349]"; and a processor coupled to the memory unit" [Fig. 3A El. 344], the processor for executing a set of instruction for caching data from multiple channels simultaneously" [0049],

"accessing data specifying a set of channels" ([0136], [0137]), "selecting channels for which to cache data from channels selected for viewing" ([0137], i.e. the user can select a favorite channel to view which in turn will be cached), "caching data for selected channels simultaneously" [0099],

"selecting channels for which to cache data from the set of channels..." ([0136], [0137]).

Rodriguez fails to disclose "selecting channels ... from the set of channels based on the prioritization".

Blonstein discloses "channels ... from the set of channels based on the prioritization" [Col. 12 lines 48-58, i.e. Blonstein teaches prioritizing favorite channels]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rodriguez by specifically providing prioritization of

favorite channels, as taught by Blonstein, for the purpose of allowing the user to further rank their favorite channels.

Rodriguez fails to disclose "accessing data specifying a prioritization of the set of channels".

Blonstein discloses "accessing data specifying a prioritization of the set of channels" [Col. 12 lines 48-58, i.e. Blonstein accesses data specifying a prioritization of a set of channels as evidence by the fact that one of ordinary skill in the art would have recognized that the system processor would have to access a list detailing the position of the channels in the favorites listing). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rodriguez by specifically providing accessing data specifying a prioritization of the set of channels, as taught by Blonstein, for the purpose of allowing the user to further rank their favorite channels.

Regarding **claims 11-14**, claims 11-14 are interpreted and thus rejected for the reason set forth above in the rejection of claims 4, 6, 8, 9, respectively. Claims 4, 6, 8, 9 describe a method of caching data from multiple channels simultaneously and claims 11-14 describe an electronic device implementing the method. Thus, claims 11-14 are rejected.

Regarding **claim 15**, Rodriguez discloses that "the electronic device is a set-top box device [Fig. 3A, El. 16] and wherein the set of channels are favorite channels" ([0136], [0137]).

Regarding **claim 16**, Rodriguez discloses "a plurality of tuners [Fig. 3A El. 345]; a memory storage device couple to said plurality of tuners [Fig. 3A El. 373]; and a processor [Fig. 3A El. 344] for selecting a first set of channels in response to viewing requests and for assigning a first set of tuners thereto" [0049],

"said processor is also for selecting a second set of channels based on said list of channels and for assigning a second set of tuners thereto" ([0049], [0137]),

"said memory storage device simultaneously caches outputs of said first and second set of tuners" [0085].

Rodriguez fails to disclose "a memory-stored list of channels having a channel ordering".

Blonstein discloses "a memory-stored list of channels having a channel ordering" ([Col. 12 lines 48-58], i.e. Blonstein inherently discloses a memory-stored list as evidenced by the fact that the system would need to retain a list of the favorite channels listing with their respective ranking order so that it could be retrieved at a later time). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rodriguez by specifically providing a memory-stored list of channels having a channel ordering, as taught by Blonstein, for the purpose of allowing the processor retrieve the favorites listing with their respective ranking.

Regarding **claim 17**, Rodriguez discloses "said list of channels is a favorite channels list" ([0136], [0137]).

Rodriguez fails to disclose "said channel ordering is a priority ordering of said favorite channels list".

Blonstein discloses "said channel ordering is a priority ordering of said favorite channels list" [Col. 12 lines 48-58]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rodriguez by specifically providing the channel ordering is a priority ordering of said favorite channels list, as taught by Blonstein, for the purpose of allowing the user to further rank their favorite channels.

Regarding **claim 18**, Rodriguez discloses "a remote entry device" [Fig. 3A El. 380].

Rodriguez fails to disclose "said favorite channels list and said channel ordering are obtained from said remote data entry device".

Blonstein discloses "said favorite channels list and said channel ordering are obtained from said remote data entry device" [Col. 11 lines 22-30]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rodriguez by specifically providing said favorite channels list and said channel ordering are obtained from said remote data entry device, as taught by Blonstein, for the purpose of allowing the user the convenience as accessing and modifying lists remotely.

Regarding **claim 20**, Rodriguez discloses "said processor is also for altering said first and second set of channels in response to a channel change request regarding a channel to be viewed" ([0049], [0121], [0109]-[0118], i.e. The processor makes a determination as to whether or not the selected channel takes precedence and if it

should de-allocate resources from a previous channel and allocate it to the current channel).

Regarding **claim 21**, Rodriguez fails to disclose that "said processor alters said second set of channels in response to a change in said channel ordering".

Blonstein discloses that "said processor alters said second set of channels in response to a change in said channel ordering" ([Col. 11 lines 23-30, Col. 12 lines 48-58, i.e. Blonstein teaches that the user can modify their favorites list. Furthermore, one of ordinary skill in the art would recognize that a users favorite channels list can change over time and therefore they could modify the list to reflect their current preferences and rankings).

Regarding **claim 22**, Rodriguez discloses "said list of channels is a favorite channels list" ([0136], [0137]).

Rodriguez fails to disclose "said channel ordering is a priority ordering of said favorite channels list".

Blonstein discloses "said channel ordering is a priority ordering of said favorite channels list" [Col. 12 lines 48-58]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rodriguez by specifically providing the channel ordering is a priority ordering of said favorite channels list, as taught by Blonstein, for the purpose of allowing the user to further rank their favorite channels.

Claim 19, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rodriguez in view of Blonstein and in further view of Ahn (United States Patent Application 2003/0030755), herein after referenced as Ahn.

Regarding **claim 19**, Rodriguez fails to disclose "a first channel selected for viewing on a main screen of said display device; and second channel for viewing as a picture-in-picture window on said display device".

Ahn discloses "a first channel selected for viewing on a main screen of said display device; and second channel for viewing as a picture-in-picture window on said display device" [0026]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Rodriguez and Blonstein by specifically providing a first channel selected for viewing on a main screen of said display device; and second channel for viewing as a picture-in-picture window on said display device, as taught by Ahn, for the purpose of allowing the user to view two channels on the same screen.

Regarding **claim 23**, Rodriguez fails to disclose "said plurality of tuners is also for providing picture-in-picture capabilities for output to a display device".

Ahn discloses "said plurality of tuners is also for providing picture-in-picture capabilities for output to a display device" [0026]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Rodriguez and Blonstein by specifically providing a plurality of tuners for providing picture-in-picture capabilities for output to a display device, as taught by Ahn, for the purpose of allowing the user to view two channels on the same screen.

Response to Arguments

Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALEXANDER Q. HUERTA whose telephone number is (571) 270-3582. The examiner can normally be reached on M-F(Alternate Fridays Off) 7:30-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Art Unit: 2623

Alexander Q Huerta
Examiner
Art Unit 2623

April 23, 2008

/Scott Beliveau/
Supervisory Patent Examiner, Art Unit 2623